	FILED
FOR THE EAST	TO STATES DISTRICT COURT FERN DISTRICT OF VIRGINIA KANDRIA DIVISION 2011 MAR 23 P 2: 02
Greg Stanton,	CLERK US DISTRICT COUR ALEXANDRIA. VIRGINIA
Plaintiff,)
v.	Civil Action No: 1:11CV 297
Huawei Technologies, Co., Ltd.,	LMB/TCB
Defendant.))

DEFENDANT'S NOTICE OF REMOVAL

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA, ALEXANDRIA DIVISION

Defendant, Huawei Technologies, Co., Ltd. (hereinafter, Defendant or "Huawei"), by counsel, hereby files its Notice of Removal of this action from the Fairfax County Circuit Court, to the United States District Court for the Eastern District of Virginia, Alexandria Division.

The removal is based upon the following grounds:

- 1. On February 1, 2011, Plaintiff filed an action against Defendant in the Fairfax County Circuit Court, entitled *Greg Stanton v. Huawei Technologies, Co., Ltd.*, as Cause Number 2011-01425. A copy of the Complaint in this action is attached hereto and marked as Exhibit "1". Subsequent filings are attached hereto and marked as Exhibit "2".
- 2. On March 2, 2011, the Clerk of the Virginia State Corporation Commission was served with process concerning this lawsuit. The Clerk of the Virginia State Corporation

Plaintiff named Huawei Technologies, Co., Ltd., as the Defendant in this matter, however, this was improper as Huawei Technologies, Co., Ltd., was not the employer of Plaintiff. Rather, Futurewei Technologies, Inc. d/b/a Huawei Technologies (USA) was Plaintiff's employer during the time frame relevant to the allegations contained in the Complaint. Accordingly, Futurewei Technologies, Inc. d/b/a

Commission notified Defendant of the aforementioned service of process on or about March 4, 2011.

- 3. This removal is timely filed pursuant to 42 U.S.C. § 1446(b).
- 4. Fairfax County is located in the Alexandria Division of the U.S. District Court for the Eastern District of Virginia. Therefore, pursuant to 42 U.S.C. § 1441(a), this Court is the appropriate forum to entertain this notice of removal.
- 5. In his Complaint, Plaintiff alleges violations of the Colorado R.S.A. § 8-4-109. Plaintiff also alleges a claim of unjust enrichment/quantum meruit.
- 6. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. §1332 because the amount in controversy exceeds \$75,000, exclusive of interests or costs, and it is between citizens of different states. On information and belief, Plaintiff is a citizen and resident of Colorado, residing at 10238 Dan Court, Littleton, CO 80130.
- 7. Futurewei Technologies, Inc. d/b/a Huawei Technologies (USA), the proper Defendant in this case, is a Texas corporation with its principal place of business in Plano, Texas. Moreover, the presently but improperly named Defendant, Huawei Technologies, Co., Ltd, was formed under the laws of the People's Republic of China, and is based in Shenzhen, China,
- 8. Plaintiff alleges he is entitled to recover compensatory damages, punitive damages and attorney's fees, in the amount of at least \$1,141,250.00.
- 9. To the extent any of Plaintiff's claims are governed by state law, this Court has supplemental jurisdiction over those claims pursuant to 42 U.S.C. § 1367 because such claims

Huawei Technologies (USA) should be substituted as the Defendant in this case and Huawei Technologies, Co., Ltd., should be dismissed.

are so related to claims in the action within the Court's original jurisdiction that they form part of the case or controversy under Article III of the United States Constitution.

10. Concurrent with the filing and service of this Notice of Removal, Defendant has served a Notice to State Court of Removal upon Plaintiff, and has filed the same with the Clerk of the Fairfax County Circuit Court with a copy of this Notice.

WHEREFORE, Defendant files this Notice of Removal so that the entire state-court action under Cause No. 2011-01425 now pending in the Fairfax County Circuit Court is removed to this Court for all further proceedings.

Respectfully submitted,

John B. Flood, VA Bar No. 79813

Ogletree, Deakins, Nash, Smoak & Stewart, P.C. 2400 N Street, N.W., Fifth Floor

Washington, D.C. 20037

Tel: (202) 887-0855 Fax: (202) 887-0866

Email: john.flood@odnss.com

Attorney for Defendant

Dated: March 23, 2011

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA ALEXANDRIA DIVISION

Greg Stanton,)
Plaintiff,)
v.) Civil Action No:
Huawei Technologies, Co., Ltd.,	<u> </u>
Defendant.)

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of March, 2011, I caused a true and correct copy of the above and foregoing Defendant's Notice of Removal to be served via first class U.S. Mail, on the following individual:

Nicholas H. Hantzes, Esq.
Jessica B. Bunce, Esq.
HANTZES & ASSOCIATES
1749 Old Meadow Road, Suite 308
McLean, VA 22102

Tel: (703) 378-5000 Fax: (703) 448-4434

Attorney for Plaintiff

John B. Flood, VA Bar No. 79813

Ogletree, Deakins, Nash, Smoak & Stewart, P.C.

2400 N Street, N.W., Fifth Floor

Washington, D.C. 20037

Tel: (202) 887-0855 Fax: (202) 887-0866

Email: john.flood@odnss.com

Attorney for Defendant